Remarks/Arguments

In the non-final Office Action dated April 3, 2008, it is noted that: claims 1-20 are pending; claims 1-20 stand rejected; and claims 1 and 11 are independent.

Claims 1, 5, 11, 13-18 and 20 have been amended herein to clarify the claimed subject matter and correct a typographical error. No new matter is entered.

Claims 1, 2, 5-8, 10-12, 15-18 and 20 stand rejected under 35 U.S.C. §102(e) as anticipated by Breti et al., US 2005/0152411 (hereinafter "Breti").

Independent claim 1 includes the features of: "a data formatter for receiving the multiplexed bit-stream and for replacing bits of said placeholder bit-stream within the received multiplexed bit-stream with bits derived from said information bit-stream within said received multiplexed bit-stream to form a modified bit-stream."

On page 3 of the Office Action, Breti, Fig. 11 elements 192 and 194 are pointed to as anticipating the above mentioned features of applicants' claim 1. Furthermore, the Office Action equates the multiplexer 190 of Breti with applicants' claimed multiplexer.

In complete contrast to applicants' claimed invention, Breti's element 194 is replacing bits from the multiplexer stream from multiplexer 190 with bits from the multiplexer stream from multiplexer 186. As is clearly described in the last sentence in paragraph 67 of Breti: "The data replacer 194 replaces each dummy robust VSB data placeholder byte from the multiplexer 190 with the next corresponding normally order robust VSB data byte from the multiplexer 186."

Thus, Breti cannot anticipate applicants' claimed features of: "a data formatter for receiving the multiplexed bit-stream and for replacing bits of said placeholder bit-stream within the received multiplexed bit-stream with bits derived from said information bit-stream within said received multiplexed bit-stream to form a modified bit-stream," (emphasis added) as recited in claim 1.

Breti is replacing bits with information from a completely different bit stream. Breti fails to teach or even suggest all the claimed features, therefore, it is respectfully

submitted that the rejection of claim 1 as anticipated by Breti is not supported and should be withdrawn.

Independent claim 11 includes similar features of: "replacing bits of said placeholder bit-stream <u>within the received multiplexed bit-stream with bits derived from said information bit-stream within said received multiplexed bit-stream</u> to form a modified bit-stream," (emphasis added). For at least the same reasons as in claim 1, it is respectfully submitted that the rejection of claim 11, as anticipated by Breti, is not supported and should be withdrawn.

Claims 2, 5-8, 10, 12, 15-18 and 20 depend from claims 1 or 11 and include at least the above mentioned features of claims 1 or 11. Because these dependent claims include the features of claims 1 or 11, and further distinguishing features, they should likewise be allowed.

Claims 3 and 13 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Breti in view of Abbott (US 6,438,569). Claims 4 and 14 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Breti in view of Choi et al. (US 2002/0041608). Claims 9 and 19 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Breti in view of Knutson et al. (US 6,788,710). These rejections are respectfully traversed.

As noted above claims 1 and 11 include features not found in Breti. None of Choi et al., Abbott or Knutson et al. singly or in combination cures the deficiencies in the teaching of Breti. Accordingly, applicants essentially repeat the above arguments from claim 1 pointing out that any combination of Breti, Abbot, Choi et al., or Knutson et al. fails to teach or suggest all the claimed features in each dependent claim and they should likewise be allowed.

Conclusion

In view of the foregoing, it is respectfully submitted that all the claims pending in this patent application are in condition for allowance. Reconsideration and allowance of all the claims are respectfully solicited.

In the event there are any errors with respect to the fees for this response or any other papers related to this response, the Director is hereby given permission to charge any shortages and credit any overcharges of any fees required for this submission to Deposit Account No. 14-1270.

Respectfully submitted,

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